

REMARKS

Claims 25-58 have been cancelled herein in order to simplify prosecution of this case. Applicants reserve the right to file continuation applications to prosecute this subject matter. Accordingly, no new matter is involved. Claims 4-7 have been cancelled and their subject matter has been incorporated into Claim 1. Accordingly, no new matter is involved. Claim 1 has been amended to state that the means for locally dilating comprises a plurality of petals wherein each petal comprises an arm which can broaden into a curved surface wherein the curved surface has an asymmetric conformation with respect to the respective arm, and wherein the petals overlap each other when in the closed position, with the membrane remaining exterior of the petals. Support for this can be found in the specification in paragraph 106, and in Figure 7. Accordingly, no new matter is involved.

In the previous office action the Examiner rejected claims 25-27, 42-44 and 52-54 under 35 USC 112. As noted above, these claims have been cancelled. Therefore, it is respectfully requested that the Examiner withdraw these rejections.

In the previous office action the Examiner rejected Applicants' claim 1 under 35 USC 102 & 103 over Pena (5,178,133) either alone or in combination with Ewerhardt et al. (1,950,788) or Sijp (DE 19828099). However, the prior cited by the Examiner fails to disclose a device wherein the means for locally dilating comprises a plurality of petals wherein each petal comprises an arm which can broaden into a curved surface wherein the curved surface has an asymmetric conformation with respect to the respective arm, and wherein the petals overlap each other when in the closed position, with the membrane remaining exterior of the petals. Consequently, it is respectfully requested that the Examiner withdraw the 35 USC 102 and 103 rejections to Applicants' claims.

Application/Control Number: 10/579,014

Therefore, Applicants respectfully request that the Examiner re-examine and favorably reconsider Applicants' claims in the form of a Notice of Allowance.

Respectfully submitted,

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